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Docket No.: 1793.1170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byung-youn SONG et al.

Serial No. 10/765,127

Group Art Unit: 2627

Confirmation No. 2252

Filed: January 28, 2004

Examiner: David Donald Davis

For: TILT DRIVE OPTICAL PICKUP ACTUATOR HAVING A REDUCED NUMBER OF
MAGNETS AND OPTICAL RECORDING AND/OR REPRODUCING APPARATUS
USING THE SAME AND METHOD

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Sir:

The Applicants respectfully request review of the rejection mailed October 16, 2008 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 22, 23, 25, 46 and 47 are pending. Claims 22, 23, 25, 46 and 47 were rejected under 35 USC 103(a) as being unpatentable over Ikegame et al. (US 5,208,703) (hereinafter "Ikegame").

Independent claims 22 and 46 patentably distinguish over Ikegame

Independent claim 22 recites, in part, that the magnetic circuit consists of a single pair of unipolar magnetized magnets positioned on the base to face each other at one side of the objective lens, and a coil assembly mountable on the lens holder between the pair of unipolar magnetized magnets.

Independent claim 46 recites, in part, a magnetic circuit consisting of a pair of unipolar magnetized magnets positioned on the base to face each other at one side of the objective lens.

In contrast to claims 22 and 46, the magnetic circuit of Ikegame does not only consist of a single pair of unipolar magnetized magnets, but rather includes one pair of magnets 12 and

01/21/2009 JADD01 00000057 10765127

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then two pairs of magnets 13 for a total of six unipolar magnets. For exemplary purposes only, please compare any of Figures 6-8 of Ikegame with any of Figures 2, 4, 8 or 13 of the present application to see the difference.

The Examiner has further noted that it would have been obvious for a person of ordinary skill in the art to remove a set of magnets to provide a single pair of magnets from the optical pickup actuator of Ikegame using the rationale that the magnetic circuit of Ikegame does not need multiple pairs of magnets to drive the magnetic circuit. It is respectfully submitted that Ikegame does not disclose noting that less magnets than six are needed, and to the contrary only discusses what it conceives to be a simplified magnetic circuit that already requires one pair of magnets 12 and then two pairs of magnets 13 for a total of six unipolar magnets at 5:53-6:11.

Still further, the use of a single pair of unipolar magnets is not directed to merely reducing parts but to increasing linearity, which is a technical advantage neither discussed nor realized by Ikegame.

As discussed in paragraph [00103] of the specification, the use of a single pair of unipolar magnetized magnets as recited in claims 22 and 46 provides for increased linearity, or in other words the measure of the extent to which a certain response is directly proportional to the applied excitation. Linearity is reduced with an increase of a number of polarization areas applied onto one surface, as in Ikegame. This is because a zero magnetic flux is in a neutral zone that exists between polarization areas, and a resultant Lorentz force caused by the magnetic flux at a transient region varies closer to the neutral zone. The optical pickup actuator to claims 22 and 46 uses a single pair of unipolar magnetized magnets, and thus has excellent linearity. Again, this is a technical advantage not realized by Ikegame.

For the foregoing reasons, it is respectfully submitted that claims 22 and 46 patentably distinguish over Ikegame.

Claims 23, 25 and 47 depend on one of claims 22 and 47, respectively, and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

CONCLUSION

Finally, if there are any formal matters remaining after this request for a pre-appeal brief conference, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this request, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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